Agenda	Item	No.
1gon au	110111	

File Code No. 640.07



### CITY OF SANTA BARBARA

### **COUNCIL AGENDA REPORT**

AGENDA DATE: November 1, 2011

**TO:** Mayor and Councilmembers

**FROM:** Planning Division, Community Development Department

SUBJECT: Appeal Of Single Family Design Board Approval For 1117 Las

Alturas Road Residence

### **RECOMMENDATION:**

That Council deny the appeal of Penelope True and uphold the decision of the Single Family Design Board to grant Project Design Approval with findings and conditions for a proposed single family residence in the Hillside Design District.

### DISCUSSION:

### **Project Description**

The project involves a proposal to construct a new 3,740 square foot two-story single-family residence and a 525 square foot attached two-car garage on a vacant lot located at 1117 Las Alturas Road. The appellant, Ms. Penelope True, filed an appeal of the Single Family Design Board (SFDB) approval with her letter dated September 15, 2011, citing several grounds including impacts to privacy, private views and increased fire hazard (see Attachment 1).

The previous residence was located in a different building footprint closer to Las Alturas Road and was destroyed in the Tea Fire in 2008 (see site plan, Attachment 2). The proposed design involves moving the residence location down the slope, a square footage increase, and requires site improvements to include a new driveway, site retaining walls, and approximately 1,255 cubic yards of total site grading. Grading includes 610 cubic yards of grading (210 cy cut/400 cy fill) underneath the building footprint and 645 cubic yards (345 cy cut/300 cy fill) of grading elsewhere on the site. A total of 743 square feet of decks are proposed, which includes 335 square feet of covered decks and 475 square feet of uncovered decks. The proposed total of 4,265 square feet, located on a 46,303 square foot lot in the Hillside Design District, is 85% of the maximum guideline floor-to-lot area ratio (FAR). After several meetings and reviews, the SFDB made the required Neighborhood Preservation Ordinance (NPO) Findings and granted Project Design Approval on September 12, 2011, by a unanimous 4/0/0 vote.

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### **Project History-SFDB Review**

In order to expedite the rebuilding of homes lost in the Tea Fire, all fire rebuild projects are allowed to begin initial concept review and obtain potential approvals at the SFDB Consent Calendar. On April 18, 2011, the subject project followed this standard practice and was first placed on the SFDB Consent Calendar agenda for expedited review. At the discretion of the SFDB Consent members, this project was referred for review to the Full Board SFDB as the proposed project is a completely new design for the lot. The direction given to the applicants by the consent members included providing sections of the building and to study the west elevation for methods to reduce the mass and provide architectural relief.

Public comment from the neighbors was received at the various SFDB meetings. Over the course of the first few SFDB meetings, the Full Board worked on reducing the overall height, scale and roof forms. In addition, the SFDB concluded that it did not support the construction of the home over existing City and private sewer easements located on the lower portion of the lot. During these meetings the SFDB repeatedly asked that the size and FAR be reduced and that changes be made to lessen the impacts along the western elevation facing the appellants home (see Attachment 3).

Commencing in August of this year, the project returned for two additional SFDB review meetings, where the applicant presented a preliminary landscape plan and a new site plan concept proposal was introduced that incorporated a building footprint change to move the home up the lot closer to the street. As a result, the proposed structure's footprint moved up the hill by approximately 20 feet. By moving the home up the lot, the resulting 1st floor finish elevation would be raised by 5 1/2 feet. The Board was in support of the revised site plan and began focusing on the height of the structure and methods to reduce the massing of the home. Additional refinements were made to the roof massing and bulk of the project.

On September 12, 2011, the project returned to the SFDB for additional review after the completion of a site visit by board members to view the installation of story poles. The SFDB appeared satisfied with the amount of design changes that had been made to the project design and voted 4/0/0 to grant Project Design Approval making the required findings consistent with Santa Barbara Municipal Code Section 22.69.050.

### **APPEAL ISSUES**

### Size, Bulk and Scale- Building Footprint Location

The appellant asserts that the proposed design presents privacy and view impact concerns regarding the location of the proposed home in close proximity to her home located next door to the east at 1121 Las Alturas Road. The appellant indicates the proposed two-story mass, which is 19 feet from her home, is too close and believes the house can be relocated up the hillside slope further away from her residence. Although the proposed residence at 1117 Las Alturas will comply with the minimum 15 foot setback distance, the closer proximity to the appellant's existing house next door results because

Council Agenda Report Appeal Of Single Family Design Board Approval For 1117 Las Alturas Road Residence November 1, 2011 Page 3

the current setback distance for the 1121 Las Alturas Road home is non-conforming and is only approximately 4 to 6 feet away from the common property line (see Attachment 4).

Staff Position: The SFDB full board reviewed various design proposals at five separate meetings. The first two meetings where the project was reviewed, the SFDB was concerned about the proposed building footprint location that required a City sewer line relocation and asked for the design to be altered to reduce building heights, avoid easements and to consider other design alternatives including moving the home up the hill. Considerable changes were made to the project design as a result of SFDB reviews including FAR reductions (refer to FAR table below). The current design is a good compromise that considers various concerns of all neighbors, including neighbors above this parcel. Staff believes the applicant has already made several design concessions to satisfy the SFDB comments and the various concerns raised by neighbors. Staff does not support additional design changes such as further home size footprint reductions or relocation of the home further away from the appellant's property up the hill that will necessitate zoning modifications for the project design.

Review date:	Size:	Guideline FAR:
4-18-11 – Consent	House: 4,159 s.f. Garage: 617 s.f. Total: 4,776 s.f.	95%
4-25-11 – Full Board	Same as 4-18-11	95%
5-9-11 – Full Board	House: 4,012 s.f. Garage: 542 s.f. Total 4,554 s.f.	91%
8-1-11 – Full Board	House: 4,003 s.f. Garage 475 s.f. Total: 4,478 s.f.	89%
8-29-11 – Full Board	House: 3,945 s.f. Garage: 533 s.f. Total: 4,478	89%
9-12-11 – Full Board	House: 3,740 s.f. Garage: 525 s.f. Total: 4,265	85%

### **Good Neighbor Policies**

The appellant asserts that the "SFDB requested the applicant to meet with the neighbors and use the good neighbor policy to ensure a design that meets with the neighborhood compatibility and support". In addition, the appellant states that the project did not consider blockage of morning sun access and loss of private mountain views. Therefore, the appellant believes the project should be further modified to address these neighbor concerns.

As a result of the Council appeal, Planning Staff met with the appellant, appellant's architect and applicant to explore the possibility of moving the home an additional five feet closer to the street and narrowing the driveway widths. Staff was initially supportive of this direction even though it would require a zoning modification approval for building encroachment into the 35 foot front yard setback as required in the A-1 zone. The

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rationale for supporting the front yard modification was that the former residence building footprint did not meet the front yard setback and a similar reduction of setback is allowed in hillside lots in the E and R zones. The applicant studied alternative designs and rejected them because such site design changes would negatively impact the project's driveway entrance safety and aesthetic design by increasing the height of retaining walls to over 8 feet located within 10 feet of the front property line and require additional zoning modification approvals.

Staff's position: Staff is of the opinion that the SFDB worked to reduce the height and scale of the residence and was successful in pushing the home location up the hill and away from existing sewer easement on the lower portion of the lot. The adjustment to the building footprint benefitted the appellant and improved some private views. In addition, story poles were erected in response to neighbor requests, roof forms lowered and the orientation of windows on the west elevation were adjusted to increase privacy between neighbors. These project changes demonstrate that reasonable consideration was given to the neighbors. Staff is concerned that the appellant believes that the appropriate solution to achieve an increased separation is to insist that applicant either reduce the home size or pursue zoning modifications. Staff supports the current house design that the SFDB approved given that it is consistent with zoning standards and is compatible in size with the recent tea fire rebuild project on the adjacent lot approved at 1105 Las Alturas Road and other homes in the neighborhood (see Attachment 5).

### **CONCLUSION:**

The proposed project has undergone a thorough review by the SFDB and by Planning Staff. It is staff's position that appropriate consideration has been given to the appellant's concerns as part of the Single Family Design Board review process, which resulted in a sufficient project design. Furthermore, the project will be compatible with the neighborhood, the project is consistent with the Zoning Ordinance, and the proposed building does not significantly impact the appellant's privacy or private ocean views. Staff recommends that the Council deny the appeal and uphold the decision of the SFDB.

**ATTACHMENTS:** 1. Appellant Letter, received August 11, 2011

2. Site Plan- Building Footprint Comparison

3. Summary of SFDB Minutes

4. Site Photos

5. Proposed Site Plan and Building Elevations

PREPARED BY: Jaime Limon, Senior Planner II

**SUBMITTED BY:** Paul Casey, Assistant City Administrator

**APPROVED BY:** City Administrator's Office

### RECEIVED

September 15, 2011

City Council of Santa Barbara Council Chambers (2<sup>nd</sup> Floor) 735 Anacapa Street Santa Barbara, CA. 93101 Phone: (805) 564-5318 2011 SEP 15 PM 3: 19

CITY OF SANTA BARBARA CITY CLERK'S SEFICE

RE: SINGLE FAMILY DESIGN BOARD (SFDB) DECISION. MST2011-00142

To Whom It May Concern:

On Monday September 12<sup>th</sup> the Single Family Design Board rendered a decision to grant **Conceptual** approval for the property located at 1117 Las Alturas Road.

The SFDB board granted **conceptual** approval for a new 5,118 sq. ft. two story building on a 1.06 acre lot. The parcel has an average slope of 25% and they project a balance cut and fill.

Grounds claimed for the appeal and identifying in particular all significant issues, facts and affected parties

The following are my grounds for appeal of conceptual approval:

1. Increased fire hazard due to the proposed building proximity to the existing building located at 1121 Las Alturas. The close proximity increases the danger of fire spreading from the proposed building to the existing.

2. The SFDB guidelines require sensitivity to privacy and preservation of existing views. The proposed building has a 20'-4" vertical wall of the building approximately 19'-0" from the existing building located at 1121 Las Alturas. Completely blocking the mountain views and morning sun.

3. SFDB required the applicant to submit a story pole plan to the board for approval prior to constructing the story poles. The story poles were erected without an approved plan. I discovered that one of the poles was not located correctly.

4. SFDB requested the applicant to meet with the neighbors and use the good neighbor policy to ensure a design that meets with neighborhood compatibility and support. This was not done. The applicant would only meet with neighbors after the drawings were submitted for review and without proper notice.

5. SFDB only reviewed this project two times prior to approval. Even though the record show six times. The prior 4 submittals the applicant submitted a project that did not work because the design was built on a public and private easement.

6. SFDB requested that the grading calculations be reviewed and certified by a civil engineer. The soils report information was not included in the calculations. How can the calculations be correct without that information?

7. The FAR guidelines require a minimum of 20 properties to determine FAR's. Only 7 properties are shown for this project.

Regards,

Penelope True 1121 Las Alturas Road Santa Barbara, CA 93103 Cell 805-886-7787 Home 805 962-8420 drpennytrue@gmail.com

SFDB CONCEPTUAL REVIEW

3RD REVISION — AUGUST 22TH, 2011

\*\*TM\*\* SIZE\*\* Broup creating environments people enjoy **P4** 

### **ATTACHMENT 3**



### SINGLE FAMILY DESIGN BOARD CASE SUMMARY

### 1117 LAS ALTURAS RD

### MST2011-00142

### R-TEA FIRE REBUILD

Page: 1

### **Project Description:**

Proposal to construct a new 4,265 square foot two-story single-family residence and an attached two-car garage. The previous residence was destroyed in the Tea Fire. Site improvements include a new driveway, site retaining walls, and approximately 1,255 cubic yards of total site grading, which includes 610 cubic yards of grading underneath the building footprint and 645 cubic yards of grading elsewhere on the site. A total of 743 square feet of decks are proposed, which includes 335 square feet of covered decks and 475 square feet of uncovered decks. The proposed total of 4,265 square feet, located on a 46,303 square foot lot in the Hillside Design District, is 85% of the maximum guideline floor-to-lot area ratio (FAR).

### **Activities:**

11/1/2011

CC-SFDB Appeal Filed

9/12/2011

SFDB-Project Design Approval

9/12/2011

SFDB-Concept Review (Cont.)

(5th Concept Review. Project Design Approval is requested. Compliance with Tier 3 Stormwater Management Program (SWMP) is required prior to granting Final Approval. The project was last reviewed on August 29, 2011.)

(4:45)

Present: Edward Herrera, Designer/Project Manager; Brad Vernon, Contractor/Agent for Owner; and Chris Gilliland, Landscape Architect.

Staff announced that the applicant submitted their story pole plan and certification, which has been approved by the Senior Planner, Jaime Limon.

The applicant announced that they had just met this afternoon with interested neighbors to report project updates and to address neighborhood concerns.

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### Activities:

Public comment opened at 4:59 p.m.

- 1) Laura Milburn, opposition; expressed concerns regarding massing.
- 2) Everett Woody opposition; expressed concerns regarding good neighbor policies, style of architecture, proximity property line.
- 3) Penny True (adj. neighbor) opposition; expressed concerns regarding proximity to her property line.
- 4) Ed Gastaldo, opposition; expressed concerns regarding proximity to the property line.
- 5) Don Vogt support; appreciated reduction of roof heights, however expressed empathy regarding the proximity to the adjacent neighbor.

Public comment closed at 5:09 p.m.

- Motion 1: Project Design Approval with the finding that the Neighborhood Preservation Ordinance criteria have been met as stated in Subsection 22.69.050 of the City of Santa Barbara Municipal Code and continued indefinitely to the Full Board with conditions:
- 1) The Board had positive comments regarding the project's consistency and appearance, in keeping with the good character and quality of the neighborhood, neighborhood compatibility, quality of architecture and materials, and the reductions of floor-to-lot area ratio.
- 2) Return with a revised landscape plan, specifically with attention to providing plant screening on the southwest corner for the adjacent westerly neighbor.
- 3) Study the color of the proposed stucco materials and consider using a color other than white colors. Action: Sweeney/Miller, 4/0/0. Motion carried. (Deisler/Zimmerman absent).

The ten-day appeal period was announced.

### 9/9/2011

SFDB-Resubmittal Received

### 8/29/2011

### SFDB-Concept Review (Cont.)

(Fourth concept review. Project Design Approval is requested. Project requires compliance with Tier 3 Stormwater Management Program (SWMP) prior to Final Approval. The project was last reviewed on August 1, 2011.)

(5:56)

Present: Edward Herrera, Designer/Project Manager; Brad Vernon, Contractor/Agent for Owner; and Chris Gilliland, Landscape Architect.

Public comment opened at 6:21 p.m.

- 1) Gil Garcia, (also for Edward Gastaldo) opposition; expressed concerns regarding building mass, incompatible design, story poles, and roof form; made architectural suggestions.
- 2) Everett Woody, (submitted documentation) opposition; expressed concerns regarding accuracy of

Page: 3

### **Activities:**

on-site story poles, building height, location, cross slope, and size.

- 3) Penny True, (submitted photographs) opposition; expressed concerns regarding private view impacts.
- 4) Don Vogt, (submitted documentation) opposition; expressed concerns regarding accuracy of story poles on site and scale of project.
- 5) Carolyn Vogt, opposition; expressed concerns regarding scale on a narrow sloping site, FAR percentage, and neighborhood compatibility.

Public comment closed at 6:31 p.m.

Motion: Continued indefinitely to Full Board with comments:

- 1) Provide an accurate and surveyed story pole plan and install new story poles onsite prior to returning to the Board.
- 2) Reduce the square footage to achieve a maximum 85% floor-to-lot area ratio (FAR).
- 3) Study the proposed window orientations of the proposed residence in relation to the westerly neighbor, in regards of privacy concerns.

Action: Sweeney/Bernstein, 4/0/0. Motion carried. (Miller/Zimmerman absent).

### 8/23/2011

### SFDB-Correspondence/Contact

FYI, Advised Eddie Herrera, applicant, (on 8-23-2011) that the applicant team is strongly encouraged to hold a meeting with the adjacent & concerned neighbors to give the neighbors an opportunity to review the plans and ask questions directly to the applicant team - prior to the Monday (8-29-11) SFDB full board hearing.

### 8/22/2011

SFDB-Resubmittal Received

### 8/1/2011

### SFDB-Concept Review (Cont.)

(Third concept review. Project Design Approval is requested. Project was last reviewed on May 9, 2011. Project requires compliance with Tier 3 Stormwater Management Program (SWMP) prior to Final Approval.)

(3:13)

Present: Leonard Grant, Principal Architect; and Eddie Herrera, Designer.

Public comment opened at 3:30 p.m.

The following public comment spoke either in support or in opposition of the proposed project:

- 1) Everett Woody and Gil Garcia, (submitted a subsection of the elevation and slope) in opposition; expressed concerns regarding the location of the patio, easement and sewer line.
- 2) Penny True, adjacent neighbor (submitted photos) in opposition; expressed concerns regarding proposed size of the project, and obstruction of her private views.

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### **Activities:**

- 3) Carolyn Vogt, adjacent neighbor (submitted letter) in opposition; expressed concerns regarding the proposed "substantially" large size of the home and high roof line next to the road.
- 4) Don Vogt, adjacent neighbor (submitted letter) in opposition; expressed concerns regarding the proposed elevation and large façade next to road (Las Alturas) which is not compatible with the surrounding neighborhood.

Letters expressing concerns from Don and Carolyn Vogt, and Penny True were acknowledged.

Public comment closed at 3:44 p.m.

Motion: Continued indefinitely to Full Board with comments:

- 1) Lower the plate heights on the north elevation.
- 2) Remove development and the cantilevered portion of the building over the sewer easement. Or prior to returning to the Board provide written verification from Public Works staff to verify that the proposal proposed design is allowed by Public Works.
- 3) Given the site constraints of the lot the Board recommends the study of a further overall reduction of the guideline floor-to-lot area ratio (FAR), 85% FAR was recommended.
- 4) Study using Santa Barbara stone instead of the proposed cultured stone.
- 5) Provide an Arborist Report and verify protection of the existing oak tree canopy and critical root zone.
- 6) The Board suggests the applicant meet with surrounding neighbors as suggested in the Single Family Residential Design Guidelines to discuss the project prior to returning to the Board. Action: Bernstein/Miller, 4/1/0. Motion carried. [Sweeney opposed (proposed size), Zimmerman absent].

### 7/27/2011 SFDB-FYI/Research

Note - advise SFDB to review and make grading findings.

### 7/13/2011 SFDB-Resubmittal Received

Three sets plans and three sets of drainage reports for Tier 3 SWMP compliance. Also submitted three sets of reduced color drawings.

### 5/9/2011 SFDB-Concept Review (Cont.)

(Project Design Approval is requested. Project was last reviewed on April 25, 2011.)

(3:55)

Present: Leonard Grant, Architect; Eddie Herrera, Designer; and Brad Vernon, General Contractor (Representative for Owner).

Public comment opened at 4:15 p.m.

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### **Activities:**

The following public comment spoke either in support or in opposition of the proposed project:

- 1) Don Vogt, support; commented regarding the proposed façade, roof line, and entry; which no longer pose concerns to him.
- 2) Everett Woody (representing neighbor Penny True at 1121 Las Alturas Rd), opposition; with concerns regarding the easement, building location, and the proposed cut and fill on-site.
- 3) Gil Garcia, opposition; with concerns regarding the proposed easement on the sewer line with regard to the oak trees on-site, and proposed on-site grading.

Public comment closed at 4:23 p.m.

Motion: Continued indefinitely to Full Board with comments:

- 1) Resolve the easement issues with the adjacent neighbor.
- 2) Reduce the square footage at the west elevation (increasing the space between the proposed house and the adjacent neighbor); provide revised FAR calculations for square footage.
- 3) Provide additional driveway details including the materials, grading, width, dimensions.
- 4) Provide an arborist report regarding the existing on-site oak trees and canopy details, specifically in relation to the proposed grading and relocation of the sewer easement.
- 5) Provide engineering calculations on the grading quantities; and separate excavation calculations.
- 6) Provide Tier 3 Storm Water Management Program (SWMP) requirements.
- 7) Study and provide alternatives to the proposed sewer relocation.
- 8) Provide a conceptual landscape plan.

Action: Bernstein/Zimmerman, 6/1/0. Motion carried. (Zink opposed).

### 5/9/2011

### SFDB-Resubmittal Received

Plan Substitution received from Brad Vernon.

### 4/26/2011

### SFDB-FYI/Research

EASEMENTS not shown on plans

All exisitng trees not shown

Building footprint being moved.

Recheck solar. Do not place on schedule on SFDB until these issues resolved.

Discuss with Manul Romero to discuss feasibility of relocation of swer Submit engineering design to allow.

### 4/25/2011

### SFDB-Resubmittal Received

### 4/25/2011

### SFDB-Concept Review (Cont.)

(Project was last reviewed at Consent on April 18, 2011, and referred to Full Board. Action may be taken if sufficient information is provided.)

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### **Activities:**

(4:13)

Present: Eddie Herrera and Brad Vernon, Architects.

Public comment opened at 4:25 p.m.

The following public comment spoke either in support or in opposition of the proposed project:

- 1) Penny True, neighbor, expressed concerns regarding the FAR of the proposed project, the site layout, grade, solar access, and trees.
- 2) Don Vogt, neighbor, expressed concerns regarding the lack of break up on the façade, the straight roof line, and the proposed entry. He requested story poles be installed on the project site.

Public comment closed at 4:33 p.m.

Motion: Continued two weeks to Full Board with comments:

- 1) Study reducing the overall size and height of the proposed project; particularly the south elevation.
- 2) Provide site and building sections, and plate height details; reduce the plate heights; study the proportion of the front entry.
- 3) Provide additional information of the proposed pool including a section through the pool.
- 4) Provide a landscape plan.

Action: Bernstein/Woolery, 7/0/0. Motion carried.

### 4/20/2011 SFDB-FYI/Research

Project requires compliance with Tier 3 Storm Water Management Program (SWMP) prior to submitting for Final Design Review at SFDB.

### 4/18/2011 SFDB-Consent (New)

(Comments only; project requires Environmental Assessment.)

Don Vogt expressed concern regarding the public views and proposed landscaping.

Doug Crawford commented on the beautiful design of proposed projec and expressed concern regarding the sewer easement.

Penny True expressed opposition to the proposed project regarding the new location of the house.

Continued one week to the April 25, 2011, Full Board meeting, with comments:

- 1) Provide site sections on plans through the west elevations.
- 2) Study the west elevation for methods to break up the mass.

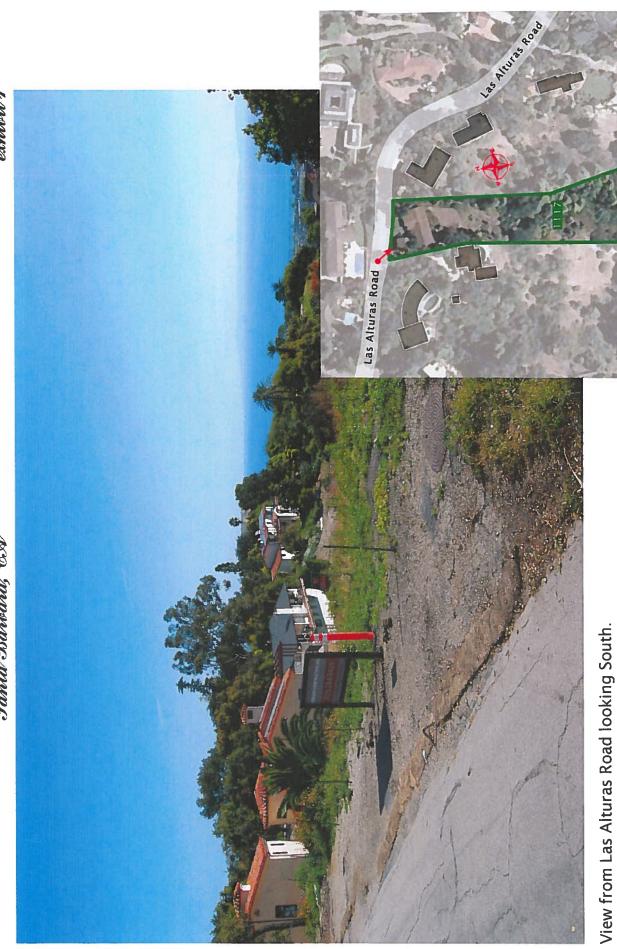
### 4/18/2011 SFDB-Consnt Mail Notice Prep'd

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Activities:

3/29/2011

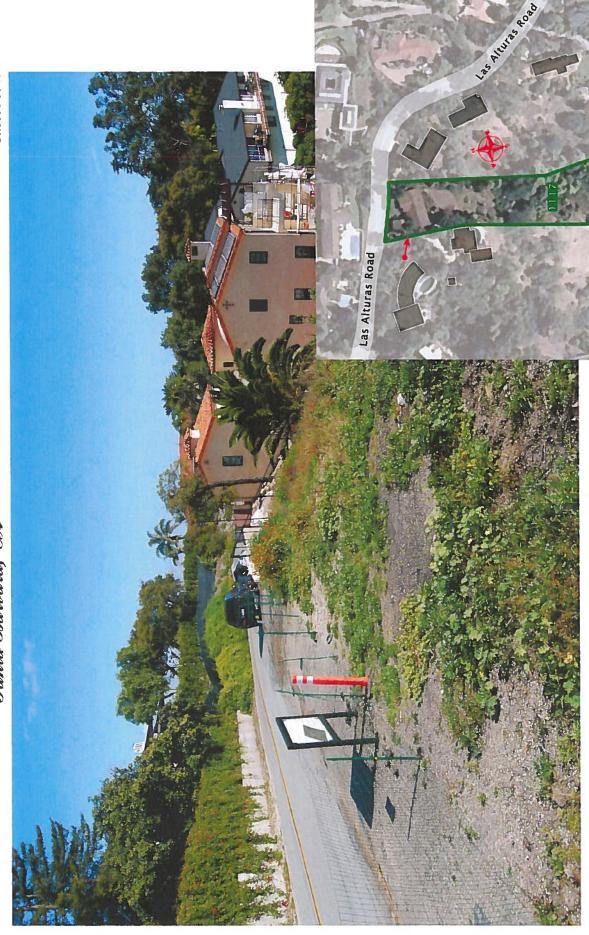
SFDB-Posting Sign Issued



1117 Gas Muras Road Panta Barbara, Col

1

## 1117 Gas Alturas Road Ganta Barbara, Col



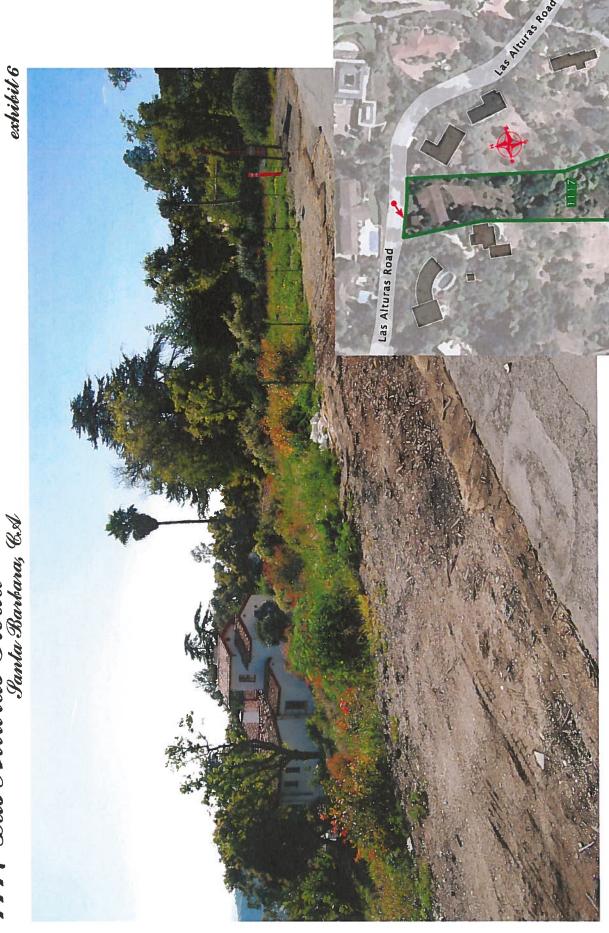
View from Las Alturas Road looking East towards 1105 Las Alturas Road residence.

## 1117 Gas-Alturas Road Ganta Banbana, Cost



View from the middle of 1117 property looking North.

## 1117 Gas Muras Road Ganta Bankana, Cost



View from Las Alturas Road looking West towards neighboring property.

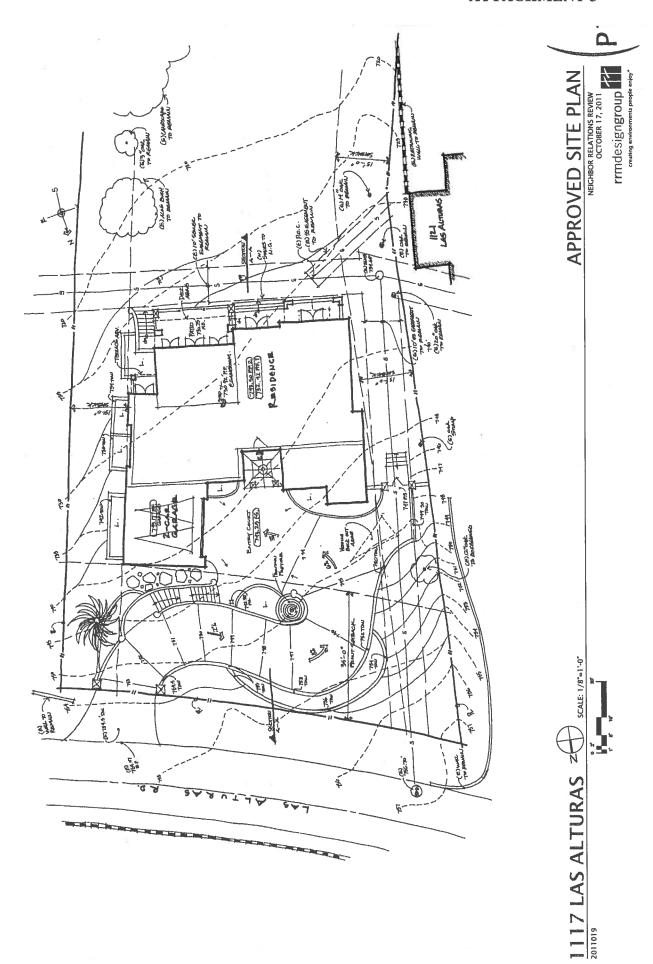


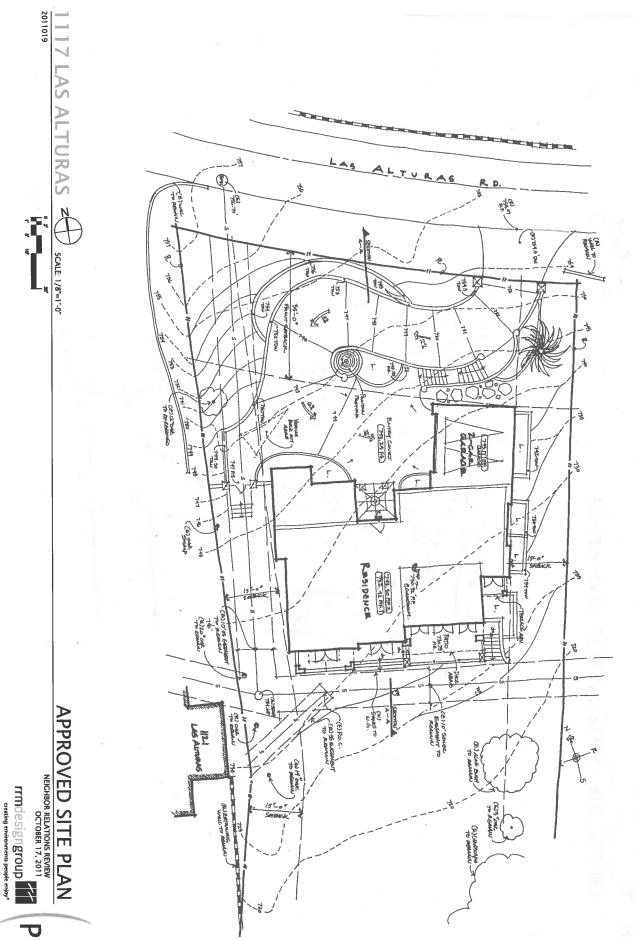
View from 1117 lot looking South towards 1121 residence.

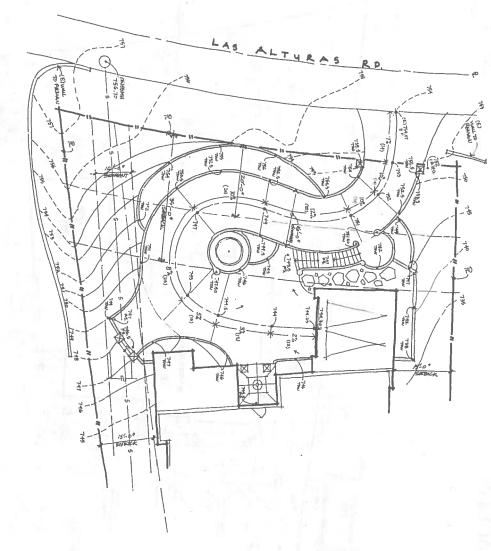
1117 Gas Alturas Road Panta Barbara, Col



View from 1117 lot looking Southeast towards 1105 residence.







PRELIMINARY GRADING PLAN - AUTOCOURT

rrmdesigngroup





Stucco: Navajo White Merlex



Wood: Armoire Hickory SW 3129 P





Permeable Roman Pavers



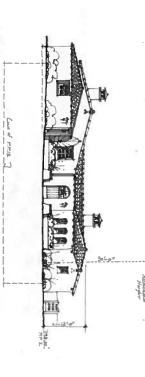






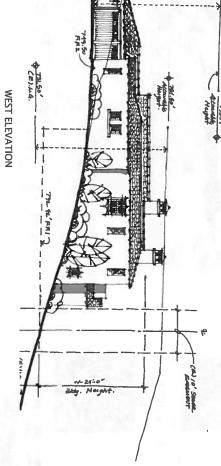
### Santa Barbara Rubble Stone Wall and Cap

SCALE: 1/8"=1'-0"



### NORTH ELEVATION





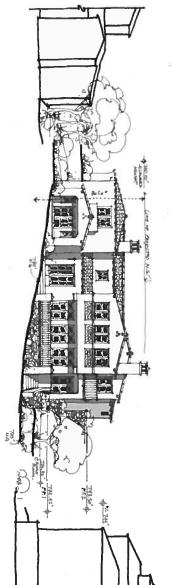
NORTH & WEST ELEVATIONS

SFDB CONCEPTUAL REVIEW

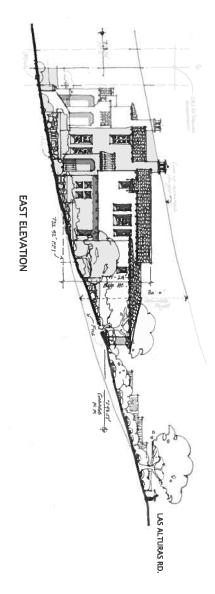
4TH REVISION — SEPTEMBER 6, 2011

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Greating sentronments people enjoy\*







# **SOUTH & EAST ELEVATIONS**

SFDB CONCEPTUAL REVIEW 4TH REVISION — SEPTEMBER 6, 2011 rrmdesigngroup

creating environments people enjoy\*